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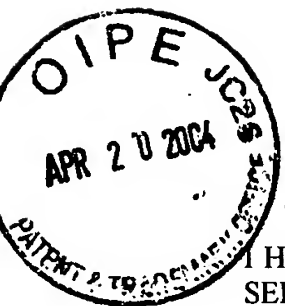
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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY: Lisa Fromm Date: April 16, 2004

**MAIL STOP PETITION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application of:	:	
Hideki Nakata <i>et al.</i>	:	
Conf. No.: 4893	:	Group Art Unit: 2837
Appln. No.: 10/087,703	:	Examiner: Renata D. McCloud
Filing Date: February 28, 2002	:	Attorney Docket No.: 8861-424US
Title: ELECTRIC MOTOR CONTROLLER	:	(P27135-01)

**REQUEST TO WITHDRAW NOTICE OF ABANDONMENT**

This communication is in response to a Notice of Abandonment mailed April 7, 2004 for failure to pay the Issue Fee in connection with the above-referenced application.

Please be advised that the Issue Fee was mailed to the United States Patent and Trademark Office on January 23, 2004. Copies of the Issue Fee Transmittal, check and postcard mailed on January 23, 2004 are enclosed herewith. This request is being submitted on the grounds that the failure to respond was inadvertent and resulted from an error at the United States Post Office or an error at the United States Patent and Trademark Office Issue Fee Department. We just learned of the abandonment upon receiving a Notice of Abandonment (copy enclosed) on April 14, 2004.

In view of the above, it is respectfully requested that the Notice of Abandonment be withdrawn. Since the United States Patent and Trademark Office never received our check and it was never returned to us by mail, we are submitting a new check in the amount of \$1,660.00. It

is respectfully submitted that this application is now in condition for issuance and such action is respectfully requested.

Inasmuch as the Issue Fee was mailed in a timely manner, the Applicant does not believe any petition fee is due. However, should a fee be necessary, any fees/overpayments are authorized to be charged/credited to our firm's **Deposit Account No. 50-1017 (Billing No. 200263.0036)**. One additional copy of this paper is enclosed for accounting purposes.

Respectfully submitted,

**HIDEKI NAKATA ET AL.**

April 15, 2004  
(Date)

By:

Clark Jablon

**CLARK A. JABLON**

Registration No. 32,886

**AKIN GUMP STRAUSS HAUER & FELD LLP**

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

**Direct Dial: 215-965-1293**

Facsimile: 215-965-1210

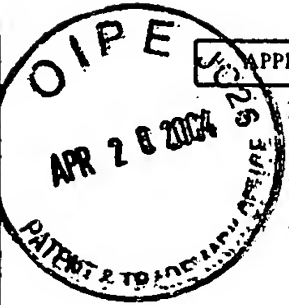
E-Mail: [cjablon@akingump.com](mailto:cjablon@akingump.com)

CAJ/TMF  
Enclosure(s)



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,703	02/28/2002	Hideki Nakata	8861-424US (P27135-01	4893

570 7590 04/07/2004  
AKIN GUMP STRAUSS HAUER & FELD L.L.P.  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA, PA 19103-7013

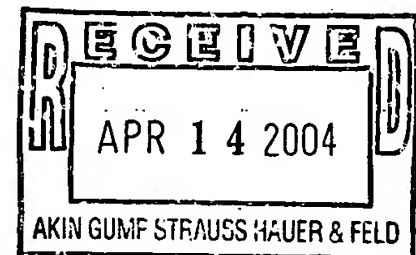
EXAMINER  
MCCLLOUD, RENATA D

ART UNIT PAPER NUMBER

2837

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



ABANDONMENT  
CONTACT PERSON IS:  
TOM HAWKINS  
305-8380



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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10/087,103

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_  
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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**Respond to the Notice of Abandonment by one of the following:**

**Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required**

~~Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f).~~  
In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA 22313-1450

By facsimile: 703-305-8755 or 703-305-4372

**Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required**

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

**Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website – <http://www.uspto.gov>

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.

ATTY CAS/TMP SECY \_\_\_\_\_ PATENT RETURN POSTCARD  
ATTY DKT # 8841 TODAY'S MAILING DATE 10/23/04  
EXPRESS MAIL # \_\_\_\_\_ CERT OF MAILING  
PAT APP/PATENT/REEXAM/INTF# 10/087, 703  
OF Hideo Nakata  
FOR: "Electric Motor Controller"  
RECEIPT IS ACKNOWLEDGED BY THE USPTO FOR THE FOLLOWING:  
\_\_\_\_ PAT AP (PROVINON-PROVIDES/REISSUE) \_\_\_\_\_ CPA REQUEST  
\_\_\_\_ DECL & POW (EXECUTED/UNEXECUTED) \_\_\_\_\_ AMEND/REQ RECONS/ RESTR.REQ. RESPONSE  
\_\_\_\_ PAGES TOTAL TEXT \_\_\_\_\_ RESPONSE TO MISSING PARTS  
\_\_\_\_ TOTAL # CLAIMS \_\_\_\_\_ INF.DISC.STMT. PTO-1449 & \_\_\_\_\_ REFS  
\_\_\_\_ SHEETS DRAWING (FORMAL/INFORMAL) \_\_\_\_\_ PET.EXT.TIME \_\_\_\_\_ MONTHS  
\_\_\_\_ SEQUENCE LISTING (PAPER COPY/DISK) \_\_\_\_\_ ASSIGN/CHG NAME/MERGER/SEC. INT  
\_\_\_\_ COMPUTER CODE \_\_\_\_\_ PTO-1595 FORM  
\_\_\_\_ PRELIMINARY AMENDMENT \_\_\_\_\_ VERF.STATE. - SMALL ENTITY  
\_\_\_\_ PRIORITY DOC. \_\_\_\_\_ NOTICE APPEAL/APPEAL BRIEF/(3 COPIES)  
COUNTRY \_\_\_\_\_ NO. \_\_\_\_\_ SUPPL. DECL  
\_\_\_\_ TRANSMITTAL LTR (US/PCT/NAT'L PHASE) \_\_\_\_\_ FEE AUTH (FINAL MAINT/DISCLAIMER)  
\_\_\_\_ REV/APPT OF ATTORNEY \_\_\_\_\_ REQUEST (STATUS/CERTIF CORR/COR FILING RT/REFUND)  
TOTAL FEES AUTH CHARGE DEP ACCT. # 50-1017 \$ Check # 9400, filed 10/23/04  
OTHER (PAPER TITLE) \_\_\_\_\_

DOCUMENT HAS A COLORED BACKGROUND. SECURITY FEATURES LISTED ON BACK.

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.  
DISBURSEMENT ACCOUNT  
A REGISTERED LIMITED LIABILITY PARTNERSHIP  
INCLUDING PROFESSIONAL CORPORATIONS  
1333 NEW HAMPSHIRE AVENUE, N.W.  
WASHINGTON, DC 20036  
(202) 887-4000

Citibank Delaware  
One Penn's Way, New Castle, DE 19720  
Check No. 94501

DATE 01/22/2004  
AMOUNT OF CHECK \$ 1,650.00

PAY TO THE ORDER OF ONE THOUSAND SIX HUNDRED SIXTY AND 00/100 DOLLARS

DIRECTOR OF THE UNITED STATES PATENT & TRADEMARK OFFICE

(208861.0424) 10/087, 703

*[Signature]*  
AUTHORIZED SIGNATURE

VOID AFTER 6 MONTHS

1109145011 10311002091 3864161211